

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

TOFOREST JOHNSON,)
Petitioner,) Case No. 2:16-cv-01945-RDP
v.)
TERRY RAYBON,) CAPITAL CASE
Warden of William C. Holman
Correctional Facility,)
Respondent.)

)

**UNOPPOSED MOTION FOR AN EXTENSION OF SIXTY (60)
DAYS FOR THE FILING OF PETITIONER'S REPLY BRIEF**

Petitioner Toforest Johnson, through counsel, respectfully moves for an extension of sixty (60) days for filing his reply brief in this capital habeas corpus case, such that the reply brief would be due on October 28, 2024. Undersigned counsel have conferred with counsel for Respondent, and Respondent does not oppose this motion. In support of the motion, Mr. Johnson states the following:

1. This is a habeas corpus case in which Mr. Johnson is challenging his capital murder conviction and death sentence.
2. Mr. Johnson filed his amended habeas corpus petition on June 13, 2024. (Doc. 37.)

3. Respondent filed his answer and brief on July 29, 2024. (Doc. 38; Doc. 41.)

4. Under the Court's amended order dated February 15, 2024, Mr. Johnson's reply brief is due "[w]ithin 30 days after the filing of [Respondent's] brief and answer." (Doc. 32.) Therefore, Mr. Johnson's reply brief is currently due on August 28, 2024.

5. Undersigned counsel respectfully submit that they need an additional sixty (60) days to prepare the reply brief in this case. Respondent's answer and brief are 172 pages combined, so the task of preparing the reply brief will require considerable time. In addition, counsel are involved in many other cases, including capital cases in both state and federal court. The interests of justice would be served best if Mr. Johnson and his counsel were given additional time for the filing of the reply brief.

6. With the requested extension, Mr. Johnson's reply brief would be due on October 28, 2024.¹

FOR THESE REASONS, Mr. Johnson respectfully requests that the Court grant him an extension of sixty (60) days for filing his reply brief, such that the reply brief is due on October 28, 2024.

¹ An extension of sixty (60) days would make the deadline October 27, 2024, but that date falls on a Sunday, so the due date would be October 28, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send the filing to the following:

James R. Houts
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/s/ Patrick Mulvaney
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